THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.19563 OF 1998

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ORDER:

This Writ Petition is filed seeking a Mandamus to declare the action of the respondents in not considering the case of the petitioner for compassionate appointment as arbitrary, illegal, and, violative of Articles 14 and 16 of the Constitution of India, and consequently, to direct the respondents to appoint him in any one of the Government departments or in any Aided School in a suitable post.

There is no necessity of going into all the details. It is suffice to notice that the father of the petitioner – K. Subrahmanya Sastry, while working as teacher in 4th respondent-School died in harness on 10.12.1994. In view of that, the petitioner herein made an application to consider his case for compassionate appointment. According to the petitioner he passed B. Com. degree and holds Higher Grade Certificate in English Typewriting, Lower Grade Certificate in Telugu Typewriting and Lower Grade certificate in English Shorthand and he is also having a Diploma in Computer Applications, but his application was not considered. Therefore, this Writ Petition is filed.

A detailed counter affidavit has been filed by the 3rd respondent- District Educational Officer, on behalf of the respondents. Though it is admitted that the Director of School Education, Andhra Pradesh, Hyderabad in his proceedings dated 16.8.1995 communicated the Government Memo dated 18.3.1993, according to which, the children of deceased employees working in Aided Schools are also eligible for compassionate appointment based on the qualification possessed by them in any Government Offices/Schools etc., if there are no vacancies to accommodate them in the Aided Institutions, however, it is stated that according to Government orders issued in Memo No.1366/Ser.IV.1/96-8, dated: 4.7.1997 and in Memo No.766/Ser.IV.1/94-2, dated: 18.5.1995, there is no possibility to appoint the applicant in Government Offices/Schools.

Be that as it may, there is no dispute as to the eligibility of the petitioner for

being appointed in any suitable post. The respondents are therefore, directed to reconsider the possibility of appointing the petitioner in any suitable post either in the 4th respondent-School or in any Government Organisation as per the instructions issued by the Government from time to time in this regard. This exercise shall be done within a period of three months from today.

With the above observation, the Writ Petition is disposed of. No costs.

16th August, 2005.

Kgr

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

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WRIT PETITION No. 19563 of 1998

Between:

K. Nagesh Kumar

….. PETITIONER

AND

1. The Government of Andhra Pradesh,

Represented by its Secretary,

Education (Ser-IV) Department,

Secretariat, Hyderabad – 500 022 and four

Others.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

Counsel for the Petitioner: Mr.T.P.ACHARYA

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :